



UNITED STATES PATENT AND TRADEMARK OFFICE

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 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/920,118	07/31/2001	Rolf Menzel	10424-003

CONFIRMATION NO. 5780

## FORMALITIES LETTER



\*OC000000006853287\*

 Pennie & Edmonds LLP  
 1155 Avenue of the Americas  
 New York, NY 10036-2711

Date Mailed: 10/05/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/06/2001 SHINASS1 00000050 161150 09920118 FILED UNDER 37 CFR 1.53(b)

01 FC 205 65.00 CH

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09920416-109101



EXPRESS MAIL NO.: EL 477 032 218 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rolf Menzel

Application No.: 09/920,118

Group Art Unit: 1646

Filed: July 31, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR  
DIRECTED GENE ASSEMBLY

Attorney Docket No.: 10424-003

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NON-PROVISIONAL APPLICATION FILED UNDER 37 C.F.R. §1.53(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTN.: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application, Filing Date Granted ("Notice"), which was mailed on October 5, 2001 (a copy of which is attached hereto), Attorneys for Applicant respectfully submit herewith an original Declaration executed by Rolf Menzel on October 23, 2001. It is requested that the Declaration be entered in the file of the above-identified application. The formal drawings called for in the Notice will be submitted at a later date.

An Assignment of the above-captioned patent application to Optigenix, Inc., executed by inventor Rolf Menzel on October 23, 2001, is submitted for recordation on even date herewith under separate cover. A copy of that Assignment is attached hereto.

Also submitted herewith is a Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. § 3.71 executed by James W. Sharpe, Chief Executive Officer of Optigenix, Inc.

A Verified Statement Claiming Small Entity Status, executed on October 24, 2001 by James W. Sharpe, Chief Executive Officer of Optigenix, Inc., is submitted herewith. Accordingly, it is respectfully requested that the application be accorded Small Entity Status in accordance with 37 C.F.R. § 1.27(a)(2).

The fee required to be filed with the accompanying Declaration has been estimated to be \$65.00, in view of the request to establish status as a small entity submitted

